THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9445 of 2007

Dated: 30-04-2007

Between:

V. Vishnu Vardhan Reddy.

..... PETITIONER

AND

The District Level Sand Committee,
rep. by its Chairman, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9445 of 2007

ORDER:

First respondent conducted auction to lease out sand reach in River Penna at Utukur Gram Panchayat limits, Vidavalur Mandal. In the auction held on 26.10.2006, the petitioner became the highest bidder at Rs.1,00,000/-. He paid sum equivalent to 25%. The auction was confirmed by second respondent, the Revenue Divisional Officer (RDO), by proceedings dated 23.11.2007. The petitioner was informed to pay the balance 75% i.e., Rs.75,000/- within seven days from the date of receipt of said proceedings dated 23.11.2007. The petitioner failed to pay the amount. Therefore, purporting to exercise powers under Sub Rules (3) and (4) of Rule 9-H of the Andhra Pradesh Minor Mineral Concession Rules, 1966, second respondent issued order/proceedings dated 01.04.2007, cancelling the auction/lease and forfeiting the amount paid by the petitioner.

This is assailed in instant writ petition.

Under the Rule, which was in force at the relevant time, the Joint Collector being the Chairman of the District Level Committee was the competent authority either to confirm the auction or to cancel the auction for noncompliance with the requirement of payment of balance amount within seven days. As the impugned order/proceedings dated 01.04.2007 is passed by second respondent (RDO), the same is liable to be set aside. The legal position is not disputed nor denied by the learned Assistant Government Pleader.

In view of the above, the impugned order/proceedings dated 01.04.2007 passed by second respondent (RDO) is set aside, and it shall, however, be open to the Joint Collector, who was the Chairman of the District Level Committee at the relevant time, to look into the matter and pass appropriate orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

30th April, 2007
ghn